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Office Memorandum • UNITED STATES GOVERNMENT

TO : General Counsel

DATE: 27 July 1950

FROM : Personnel Director

SUBJECT: Status Determination of New Employees **OGC HAS REVIEWED.**

On 10 July 1950, the Chief, Medical Staff, requested that a determination be made concerning the status and rights of individuals who are disqualified for employment because of physical reasons after a 5-day waiting period. This 5-day waiting period referred to is provided for in the "Medical Standards and Requirements for CIA". The purpose behind this 5-day time limit was to permit enough time for full and proper evaluations of X-ray findings, etc., made during the EOD processing.

The Civil Service Handbook M-601, "Instructions for Medical Officers" indicates that the medical men are permitted 5-days at the time of EOD for the purpose of medical evaluation.

On the other hand, the Federal Personnel Manual, Chapter M1-3, states that in cases of applicants reporting for duty - - "If upon reporting for duty, the applicant is found ineligible because of physical defects he cannot be appointed. I would interpret this quotation as being a strong indication that any appointment finalized before passing a physical examination is illegal. As usual, here are two regulations of the Commission which appear to be at variance. Although the Chief, Medical Staff, is concerned with the status and rights of individuals disqualified for appointment, I am more interested in your interpretation of these seeming disparities. The Chief, Medical Staff has already been informed that anyone disqualified for appointment or continued employment in this agency has no status and consequently no rights. All of our application letters and statements are to the effect that their appointment and employment are contingent upon successfully meeting certain standards.

An interpretation is requested on the intent of the two quotations set forth above.

STATINTL

